

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL KAGAN and IRIS KAGAN,

Plaintiffs, : 05 Civ. 8889 (PAC)

- against - : ORDER

SANDS BROTHERS & CO. LTD.,

Defendant. :

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DATE FILED: APR 19 2006

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HONORABLE PAUL A. CROTTY, United States District Judge:

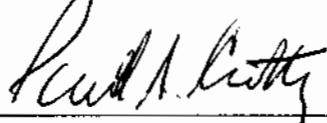
Upon reading the parties' submissions, and after the telephone conference on April 19, 2006, Plaintiffs Michael and Iris Kagan's subpoena to obtain documents in the possession of Labaton Sucharow & Rudoff, LLP ("the Labaton firm"), counsel for Jay Hoge, is hereby quashed. Upon its consent, the Labaton firm is ordered to retain all documents received from Harbor Consultants, Laidlaw & Co., and Steven and Martin Sands ("the Sands brothers"), pending service of a properly directed subpoena by Mr. Schoenberg and further order of this Court. With regard to other third-party documents in the possession of the Labaton firm, to the extent they are non-confidential, Plaintiffs' counsel and the Labaton firm are free to negotiate terms and conditions for the production of these documents. Otherwise, Plaintiffs must seek these documents from their source.

To obtain the desired documents held by the Labaton firm, namely, those documents produced by Harbor Consultants, Laidlaw & Co., and the Sands brothers, Plaintiffs' counsel must serve an appropriate subpoena on the party that initially produced the documents.

Objections, if any, will be considered and promptly resolved by the Court. It goes without saying that no documents should be destroyed or disposed of pending resolution of this matter.

Dated: New York, New York
April 19, 2006

SO ORDERED



PAUL A. CROTTY
United States District Judge